

Legislative Fiscal Office

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Oregon Legislative Emergency Board

Senator Peter Courtney, Co-Chair
Representative Dan Rayfield, Co-Chair

Certificate

December 9, 2022

Pursuant to the provisions of ORS 291.328, and acting under the authority of ORS 291.326(1)(a), (b), (c), (d); ORS 291.371; and ORS 291.375; this hereby certifies that the Emergency Board, meeting on December 9, 2022, took the following actions:

1. Public Defense Services Commission

Acknowledged receipt of a report on the reorganization of the Public Defense Services Commission.

2. Public Defense Services Commission

Acknowledged receipt of a report on a financial update; and authorized the transfer of \$2,000,000 from the General Fund appropriation established for the Public Defense Services Commission by section 1(3), chapter 444, Oregon Laws 2021, Appellate Division, to the General Fund appropriation established for the Public Defense Services Commission by section 1(6), chapter 444, Oregon Laws 2021, Court Mandated Expenses; authorized the transfer of \$5,000,000 from the General Fund appropriation established for the Public Defense Services Commission by section 1(4), chapter 444, Oregon Laws 2021, Trial Criminal Division, to the General Fund appropriation established for the Public Defense Services Commission by section 1(6), chapter 444, Oregon Laws 2021, Court Mandated Expenses; authorized the transfer of \$5,000,000 from the General Fund appropriation established for the Public Defense Services Commission by section 1(5), chapter 444, Oregon Laws 2021, Nonroutine Expenses, to the General Fund appropriation established for the Public Defense Services Commission by section 1(6), chapter 444, Oregon Laws 2021, Court Mandated Expenses; established an Other Funds expenditure limitation for the Public Defense Services Commission, Trial Criminal Division, in the amount of \$4,000,000, for the reimbursement of juvenile contract expenses from federal Title IV-E funding transferred from the Department of Human Services; and transferred \$4,000,000 from the Other Funds expenditure limitation established for the Public Defense Services Commission by section 2(2), chapter 444, Oregon Laws 2021, Juvenile Division, to the newly established expenditure limitation; to align General Fund appropriations and Other Funds expenditure limitations, with no net budget increase, in support of the agency's legislatively approved programs.

3. Public Defense Services Commission

Established a General Fund appropriation by allocating \$10,000,000 from the Emergency Fund established by section 1, chapter 669, Oregon Laws 2021, to the Public Defense Services Commission, for the unrepresented defendant/persons crisis, with instructions.

4. Higher Education Coordinating Commission

Allocated \$975,000 from the Emergency Fund established by section 1, chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Higher Education Coordinating Commission by section 1(3), chapter 660, Oregon Laws 2021, Community College Support Fund for distribution to community colleges and community college service districts and school districts, to disburse to Klamath Community College for the purchase of a water well drilling rig and creation of a well drillers curriculum.

5. Higher Education Coordinating Commission

Allocated \$800,000 from the Emergency Fund established by section 1, chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Higher Education Coordinating Commission by section 1(6), chapter 660, Oregon Laws 2021, Oregon National Guard tuition assistance, for the Oregon National Guard Tuition Assistance program.

6. Teacher Standards and Practices Commission

Increased the Other Funds expenditure limitation established for the Teacher Standards and Practices Commission by section 1, chapter 641, Oregon Laws 2021, for general operations, by \$269,072, and authorized the establishment of one limited duration position (0.25 FTE), to develop standards-based leadership practices and a statewide framework for school principal preparation.

7. Department of Human Services

Increased the Other Funds expenditure limitation established for the Department of Human Services by section 2(3), chapter 606, Oregon Laws 2021, Self-sufficiency programs, by \$9,000,000, and authorized the establishment of one limited duration position (0.42 FTE), to expand homeless youth services.

9. Department of Human Services

Acknowledged receipt of a report on the Department of Human Services' 2021-23 financial status.

10. Department of Human Services

Increased the Federal Funds expenditure limitation established for the Department of Human Services by section 3(7), chapter 606, Oregon Laws 2021, Intellectual/developmental disabilities programs, by \$12,122,000, to continue a one-time 5% COVID-19 rate increase until June 30, 2023.

11. Oregon Health Authority

Acknowledged receipt of a report on the Oregon Health Authority's 2021-23 financial status.

12. Oregon Health Authority

Allocated \$1,498,030 from the special purpose appropriation made to the Emergency Board by section 267(1), chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Oregon Health Authority by section 1(2), chapter 668, Oregon Laws 2021, Oregon State Hospital, and authorized the establishment of 21

permanent positions (5.25 FTE), to accommodate complex patient care needs at the Oregon State Hospital.

13. Oregon Health Authority

Allocated \$4,563,439 from the special purpose appropriation made to the Emergency Board by section 267(1), chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Oregon Health Authority by section 1(2), chapter 668, Oregon Laws 2021, Oregon State Hospital; allocated \$294,082 from the special purpose appropriation made to the Emergency Board by section 267(1), chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Oregon Health Authority by section 1(1), chapter 668, Oregon Laws 2021, Health Systems, Health Policy and Analytics, and Public Health; and authorized the establishment of 59 permanent positions (14.75 FTE); to respond to a federal court ruling that establishes limits on the time patients on Aid and Assist orders can be held in the Oregon State Hospital.

16. Oregon Health Authority

Approved, retroactively, the submission of a federal grant application to the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration, in the amount of \$250,000, for the Transformation Transfer Initiative.

17. Department of Emergency Management

Approved, retroactively, the submission of a federal grant application to the U.S. Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, in the amount of \$2,988,945, for a State and Local Cybersecurity Program grant.

18. Oregon Military Department

Increased the Federal Funds Capital Construction expenditure limitation established for the Oregon Military Department by the Emergency Board at its September 2022 meeting (Item 30), by \$404,000, for the Rees Training Center Modified Record Fire Range.

19. Oregon Military Department

Established a Federal Funds Capital Construction expenditure limitation of \$3,500,000 for the Oregon Military Department, for the Corvallis Armory Service Life Extension project; and established a Federal Funds Capital Construction expenditure limitation of \$900,000 for the Oregon Military Department, for Corvallis Armory Parking Lot improvements.

20. Department of State Police

Increased the Federal Funds expenditure limitation established for the Department of State Police by section 3(1), chapter 470, Oregon Laws 2021, Patrol Services, Criminal Investigations and Office of the State Fire Marshal, by \$650,000; and increased the Other Funds expenditure limitation established for the Department of State Police by section 2(1), chapter 470, Oregon Laws 2021, Patrol Services, Criminal Investigations, Gaming Enforcement and Office of the State Fire Marshal, by \$116,305; for the Equitable Sharing Program.

- 22. Department of State Police**
Allocated \$16,571,294 from the Emergency Fund established by section 1, chapter 669, Oregon Laws 2021, to supplement the appropriation made to the Department of State Police by section 1(1), chapter 470, Oregon Laws 2021, Patrol Services, Criminal Investigations, Gaming Enforcement and Office of the State Fire Marshal, for costs incurred during the 2021 and 2022 fire seasons.
- 23. Oregon Youth Authority**
Acknowledged receipt of a report on community residential treatment program utilization.
- 24. Department of Public Safety Standards and Training**
Increased the Other Funds expenditure limitation established for the Department of Public Safety Standards and Training by section 2(1), chapter 381, Oregon Laws 2021, Operations, by \$1,280,000, for two additional Basic Police courses.
- 25. Criminal Justice Commission**
Increased the Federal Funds expenditure limitation established for the Criminal Justice Commission by section 4, chapter 379, Oregon Laws 2021, by \$909,346; and authorized the establishment of one limited duration position (0.25 FTE); for federal grant awards received for Prison Rape Elimination Act Standards and the Justice Courts Implementation program.
- 26. Criminal Justice Commission**
Approved the submission of a federal grant application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, in the amount of \$3,127,544, for a State Crisis Intervention Program grant.
- 27. Department of Corrections**
Acknowledged receipt of a report on overtime usage.
- 29. Department of State Lands**
Approved, retroactively, the submission of a federal grant application to the National Oceanic and Atmospheric Administration, in the amount of \$300,000, for South Slough Reserve capacity building activities; and increased the Federal Funds expenditure limitation established for the Department of State Lands by section 3(1), chapter 607, Oregon Laws 2021, South Slough National Estuarian Research Reserve operations, by \$100,000, for grant expenditures.
- 30. Department of State Lands**
Approved, retroactively, the submission of a federal grant application to the National Oceanic and Atmospheric Administration, in the amount of \$3,535,900, for the Wasson Creek watershed ridgetop-to-estuary restoration project.
- 31. Department of State Lands**
Approved, retroactively, the submission of a federal grant application to the U.S. Environmental Protection Agency, in the amount of \$1,000,000, for brownfields cleanup

to perform remediation of contaminated sediment at the Moore and Wright Islands Natural Area on the Columbia Slough.

33. Department of Fish and Wildlife

Approved the submission of a federal grant application to the U.S. Department of Transportation, in the amount of \$51,757,285, for culvert projects to improve fish passage.

34. Department of Fish and Wildlife

Increased the Federal Funds expenditure limitation established for the State Department of Fish and Wildlife by section 4(1), chapter 679, Oregon Laws 2021, Fish Division, by \$270,000; and increased the Federal Funds expenditure limitation established for the State Department of Fish and Wildlife by section 4(5), chapter 679, Oregon Laws 2021, Habitat Division, by \$200,000; for expenditure of federal grant awards for wildlife disease detection and response and development of the Private Forest Accord Aquatic Habitat Conservation Plan.

36. Department of Forestry

Approved, retroactively, the submission of a federal grant application to the U.S. Forest Service, in the amount of \$6,000,000, to assist at-risk local communities to cover expenses related to natural disasters, including wildfires, from 2019 through 2021.

37. Department of Forestry

Approved, retroactively, the submission of a federal grant application to the U.S. Forest Service, in the amount of 17,362,678, for the creation, updating, or project implementation of Community Wildfire Protection Plans.

38. Department of Forestry

Acknowledged receipt of a report on the 2022 fire season; and allocated \$5,988,093 from the special purpose appropriation made to the Emergency Board by section 5(1), chapter 605, Oregon Laws 2021, to supplement the appropriation made to the State Department of Forestry by section 1(2), chapter 605, Oregon Laws 2021, Fire protection, for the state's portion of 2022 fire season severity resources cost; allocated \$8,788,683 from the special purpose appropriation made to the Emergency Board by section 167(1), chapter 669, Oregon Laws 2021, to supplement the appropriation made to the State Department of Forestry by section 1(2), chapter 605, Oregon Laws 2021, Fire protection, for the state's portion of net large-fire costs for the 2022 fire season; and increased the Other Funds expenditure limitation established for the State Department of Forestry by section 2(2), chapter 605, Oregon Laws 2021, Fire protection, by \$24,999,724, to enable processing of payments and cost of operations from the 2022 fire season.

39. Department of Forestry

Increased the Federal Funds expenditure limitation established for the State Department of Forestry by section 4(5), chapter 605, Oregon Laws 2021, Private forests, by \$810,094, for the expenditure of federal grant awards from the Economic Development Administration for forest restoration byproduct commercialization.

- 40. Department of Energy**
Approved, retroactively, the submission of a federal grant application to the U.S. Department of Energy, in the amount of \$5,464,180, for State Energy Program funds made available through the Infrastructure Investment and Jobs Act.
- 41. Department of Land Conservation and Development**
Approved, retroactively, the submission of a federal grant application to the National Oceanic and Atmospheric Association, in the amount of up to \$450,000, and authorized the establishment of one limited duration position (0.25 FTE), to develop projects that conserve or restore coastal natural habitats and build coastal resiliency.
- 42. Department of Land Conservation and Development**
Approved, retroactively, the submission of a federal grant application to the National Oceanic and Atmospheric Administration, in the amount of \$2,011,530, for acquisition of property on the Central Coast of Oregon on Cape Foulweather.
- 43. Department of Transportation**
Approved, retroactively, the submission of a federal grant application to the Federal Highway Administration, in the amount of \$46,630,800, to complete the final portion of the Historic Columbia River Highway State Trail.
- 44. Department of Transportation**
Approved, retroactively, the submission of a federal grant application to the U.S. Department of Transportation, in the amount of \$487,000, to develop bridge inspection protocols and interfaces using unmanned aerial systems.
- 45. Department of Transportation**
Approved, retroactively, the submission of a federal grant application to the National Fish and Wildlife Foundation, in the amount of \$515,478, for an America the Beautiful Challenge Grant to design two wildlife corridors across Interstate 5 near the Cascade Siskiyou Monument.
- 46. Department of Consumer and Business Services**
Acknowledged receipt of a report on workers' compensation premium assessment rates.
- 47. State Library**
Increased the Other Funds expenditure limitation established for the State Library by section 3, chapter 308, Oregon Laws 2021, by \$335,000, for increased information technology access and rent costs.
- 48. Department of Administrative Services**
Acknowledged receipt of a report on compensation plan changes.
- 49. Legislative Fiscal Office**
Transferred unallocated balances in the amount of \$67,856,869 from special purpose appropriations made to the Emergency Board to the Emergency Fund appropriation, per the attached table.

Special Purpose Appropriation Transfer Detail

Oregon Laws 2021 and 2022 Chapter/Section	Agency / Purpose	Amount
Ch. 605, sec. 5(1), OL 2021	Department of Forestry - Fire Protection Expenses	(1,865,640)
Ch. 110, sec. 148(1), OL 2022	Department of Justice - Child Enforcement Automated System	(4,241,634)
Ch. 668, sec. 11(1), OL 2021	Oregon Health Authority - Oregon State Hospital Staffing Levels	(9,189,057)
Ch. 669, sec. 267(1), OL 2021	Oregon Health Authority and Department of Human Services - Caseloads/Other Issues	(41,540,947)
Ch. 669, sec. 169(1), OL 2021	Department of Education and Department of Early Learning and Care - New Agency	(1,901,447)
Ch. 669, sec. 34(1), OL 2021	Various Agencies - Family Treatment Court Programs	(6,824,068)
Ch. 669, sec. 167(1), OL 2021	Various Agencies - State Response to Natural Disasters	(2,294,076)
Total transfers from special purpose appropriations		(67,856,869)
Ch. 669, sec. 1, OL 2021	Emergency Board - General Purpose	67,856,869
Net General Fund Change		0